



The Punjab Court Laws (Extension) Act, 1957

Act 38 of 1957

Keyword(s):
Pepsu High Court, Transferred, Territories

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THE PUNJAB COURTS LAWS (EXTENSION)
ACT, 1957.

(PUNJAB ACT NO. 38 OF 1957)

*[Received the assent of the Governor of Punjab on the
11th November, 1957 and was first published in the
Punjab Government Gazette Extraordinary
of the 14th November, 1957].*

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1957	38	The Punjab Courts Laws (Extension) Act, 1957	Amended by Haryana Adaptation of Laws (State and Concurrent Subjects) Order, 1968 ²

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ACT

to provide for extension of the Punjab Courts Act, 1918 the High Courts (Punjab) Order 1947, the Rules and Orders of the Punjab High Courts and other Laws and Regulations relating to the practice and procedure of Punjab High Court and Courts under its superintendence to the territories which, immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union.

Be it enacted by the Legislature of the State of Punjab in the Eighth Year of the Republic of India as follows :—

1. (1) This Act may be called the Punjab Courts Laws (Extension) Act, 1957. Short title and commencement.

(2) It shall come into force at once.

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1. For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1957, page 1675.
 2. See *Haryana Government Gazette* (Extraordinary), dated the 29th October, 1968.

Definitions.

2. In this Act, unless the context otherwise requires,—

- (a) 'appointed date' means the 1st November, 1956 ;
- (b) 'Pepsu High Court' means the High Court exercising immediately before the appointed date jurisdiction in relation to the State of Patiala and East Punjab States Union as it existed before that date ;
- (c) 'Punjab High Court' means the High Court exercising immediately before the appointed date jurisdiction in relation to the State of Punjab as it existed before that date ;
- (d) 'transferred territories' means the territories which immediately before the appointed date were comprised in the State of Patiala and East Punjab States Union.

Interpretation.

3. The Punjab General Clauses Act, 1898, shall apply for the interpretation of this Act as it applies for the interpretation of a Punjab Act.

Extension of certain laws to transferred territories.

4. The Punjab Courts Act, 1918 (Punjab Act No. VI of 1918), the High Courts (Punjab) Order, 1947, Rules and Orders of the Punjab High Court and all Laws and Regulations pertaining to practice and procedure of the said High Courts and Courts under its superintendence as in force immediately before the appointed date in territories under the jurisdiction of the Punjab High Court are hereby extended to and shall be in force in transferred territories :

Provided that all second appeals arising out of suits which were instituted in the courts of the transferred territories before the appointed date shall continue to be governed by the provisions of section 49 of the Patiala and East Punjab States Union Judicature Ordinance, 2005 (Pepsu Ordinance No. X of 2005 Bk.) :

Provided further that nothing contained herein shall in any manner affect the operation of the provisions of section 100, sub-sections (2) and (3) of section 105, section 107, section 109 and section 110 of the Patiala and East Punjab States Union Judicature Ordinance, 2005 (Pepsu Ordinance No. X of 2005 Bk.)

5. Notwithstanding anything to the contrary contained in any law for the time being in force the High Court for the [States of Punjab and Haryana] shall in relation to Sub Judges-cum-Magistrates posted from time to time at any place in the transferred territories have the same powers and exercise the same control as the Pepsu High Court had and exercised in respect of them immediately before the appointed date.

[Punjab and Haryana] High Court to exercise same control over Sub-Judges-cum-Magistrates as was exercised by Pepsu High Court.

6. In the Act, Order, Rule and Order or Law and Regulation referred to in section 4 any reference—

Construction of certain references.

(1) to a law which is not in force in the transferred territories shall in relation to such territories be construed as a reference to the corresponding law, if any, in force in such territories, and;

(2) to State of Punjab, by whatever form of words shall be construed as including a reference to the transferred territories.

7. If immediately before the commencement of this Act there is in force in the transferred territories any law corresponding to the Act or Order or any Rule and Order or any Law and Regulation now extended to those territories that law, shall save as otherwise expressly provided in this Act, stand repealed:

Repeals and savings.

Provided that the repeal shall not affect :—

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder ; or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed ; or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed ; or

1. Substituted for the words "State of Punjab" by Haryana Adaptation of Laws Order, 1968.

2. Substituted for the words "Punjab High Court" by *ibid.*

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed :

Provided further that anything done or any action taken under any law so repealed shall be deemed to have been done or taken under the corresponding provision of the Act or Order or any Rule and Order or any Law and Regulation extended by section 4 to the transferred territories and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the Act, Order, Rule and order or Law and Regulation so extended.

Powers of Court and other authorities for purposes of facilitating application the Act and Rule, Order, etc.

8. For purposes of facilitating the application in the transferred territories of the Act, Order, Rule and Order or Law and Regulation any Court or authority may construe the same with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the court or authority.

Power to remove difficulties.

9. If any difficulty arises in giving effect in the transferred territories to the provisions of the Act, Order, Rule and Order or Law and Regulation extended by section 4, the State Government, may in consultation with the High Court, by order notified in the Official Gazette, make such provisions or give such directions as appear to it to be necessary or expedient for the removal of the difficulty.